set, however, by the interest on the security bonds in the Treasury, which is in turn offset in part by the tax on circulation and various incidental expenses. The highest rate of profit obtainable on $100,000 of circulation in excess of the amount obtainable from direct use of the same sum of money where the 2 per cent. bonds are used as the security, amounts to $796 only. This profit is too small to be attractive to banks of large size, even if bonds of this class were still available, as they are not.

The deadness of the national bank circulation, its tendency to diminish rather than to increase or keep pace with the growth of population and trade, has led to the proposal, now advanced at Washington, to accept State and municipal bonds as security for banknotes. This idea derives some support from the fact that the Secretary of the Treasury recently accepted such security for deposits of Government funds in national banks. As a tentative step toward liberalizing banknote issues, this change might be admissible, but it would not furnish any real relief from the hidebound system which prevents banks from making use of their credit in the form of notes, as is done in nearly all civilized countries.

It is evident that the agitation in behalf of a more flexible currency has made a lodgment in the higher official circles at Washington. It is reported that the Secretary of the Treasury himself is among the number of those who are prepared to take a step in the direction of assets currency—a currency based upon securities in the control of the banks instead of the Government. If this rumor proves to be correct, it will at once bring on a discussion of methods for reaching that result. And thus the approaching session is likely to be a fruitful one, at least in the way of preparing the public mind for currency reform.

THE STANDARDIZATION OF SPORT.

Readers of a certain age will remember a book (which is still sought by collectors in the earliest, and read by children in the latest editions) entitled 'Science in Sport Makes Philosophy in Earnest.' In it children are led by a series of experiments and observations presented as games, to ponder upon the laws of the universe—that is, in the nomenclature of a pre-scientific era, to become adepts in "natural philosophy." This feeling, that sport should in some fashion serve the cause of philosophy, has led the radical golfers of England to approach Mr. Balfour on the matter of the codification and emendation of the rules of that ancient but ill-regulated game. As a lifelong golfer and a recognized philosopher, the Prime Minister could not fail to give the matter his careful attention, and the petitioners an explicit answer. He appears, in his reply, as the advocate of individualism and the opponent of standardization. He writes:

"I should view with great apprehension the introduction into golf of so great a novelty as that of the standardization of the implements to be used by the player. Such standardization cannot logically be restricted to the balls, and it would be a pity, I think, to destroy the practically unlimited freedom of selection, which, among all games, belongs, so far as I know, alone to golf."

The merriment of Opposition editors and non-golfing politicians over Mr. Balfour's dictum seems misplaced when it is remembered that his plea for individualism in his favorite sport falls in happily with Herbert Spencer's attack upon the general "regimentation" of society, in his latest volume of essays. But, of course, Mr. Balfour had primarily in mind the interests of sport. It is indeed anomalous that a man is never so bound by rule and custom as in his playtime. Nobody may force him to conduct his business correspondence in one way rather than another, or to keep a card catalogue rather than an address book; but so soon as he boards a yacht, mounts a horse, or handles a ball, he comes under a Draconian code which prescribes his goings and comings, the implements he uses, and the very clothes he wears. Where written rules do not bind him, a mysterious "good form" hampers his natural movements, and in many respects he becomes the slave of his recreations. The Virginia breeder who lately appeared at the Horse Show in such housings as he wears on his own farm, showed some deficiency in sense of the fitting, but he also showed a courage which his perfectly appointed associates in the Show might well envy.

Probably sport has never been more free from this formalizing tendency than society at large. We read in romance that the youthful Tristan once landed at Cornwall and came upon the end of a stag hunt. The nobles were quartering the carcass in some barbarous fashion. Tristan indignantly seized the knife and made the division according to the ancient rules of venerie, giving to each his part, from the chief of the hunt to the dogs, and thus good hunting customs were introduced into Britain. The process constantly repeats itself. In our own day we have seen old-fashioned "rounders" develop into baseball, with an elaborate legislative code and a body of diplomatic and judicial practice which covers every point of the eligibility, transfer, and even the sale of players. Football has gone very much the same way. Changes in the game and charges of false play are discussed with conciliar gravity. Even polo has renounced the advantages of its Oriental (consequently vague) origins, and the prominent clubs of England and America are considering a plan for abolishing the few distinctions that mark the play of the two nations. As for yachting, the dispute between Mr. Lawson and the New York Yacht Club is still a malodorous memory, and a signal instance of the dangers that attend the standardizing of manly sport.

So far as uniformity is in the interest of the sport itself, no sensible person will oppose his personal preference to the common utility. But very often the motives that lead to the adoption of the x-ball, the y-bat, or the z-target are by no means disinterested. Frequently the profit of a particular dealer rather than the convenience of the player guides the choice, while if the standardization of sporting "togs" were deeply probed, there can be no doubt that natural selection would vanish behind the bland and persistent terrorism of the tailors of our generation.

In fishing, shooting, and golf the individual still makes a certain stand against the game. An unwritten law tells him what is sportsmanlike, and for the rest—clothes, tackle, and minor matters of deportment—he does as he lists. In bespeaking this wholesome irregularity for the game of golf, Mr. Balfour has shown himself no less a sportsman than a philosopher. He remembers that favorable evolution depends upon the arising of favorable variations, and that an absolute rule of uniformity would first retard and finally stay the evolutionary process. This is true of games, and it is true of society at large. So, when the formalists fret over new balls of marvellous carrying qualities, and rage at those two-handed pneumatic engines which masquerade as golf clubs, and seek to reduce the game to rule and measure—the truly philosophical, golfers or otherwise, will welcome these uncouth contrivances as the sign that in one game at least the individual is free to face unterrified the overt tyranny of rules and the more subtle oppression of "good form." The golf-links of the land remain individualistic oases in an age of universal regimentation.

Correspondence.

"LYNCH LAW."

TO THE EDITOR OF THE NATION:

SIR: The subject of lynching has a threefold interest—historical, etymological, and practical—and deserves to be treated at length; but the material already collected by the present writer is so extensive that only an outline can be given here. There are various conjectures as to the origin of the term, no one of which is wholly satisfactory. In *Niles's Register* for August 8, 1835, it was stated that the practice arose "many years ago" in Washington County, Pa., and that the party which held an impromptu trial of a poacher "proceeded to try him in due form, choosing one of their number, a farmer named *Lynch*, to be

judge" (xlviii. 402). Nothing further is known of this alleged farmer. Lynch law is also variously stated to have derived its name from James (or Walter) Lynch, Mayor (or Warden) of Galway in 1491; from a man named Lynch who is said to have been sent to America in 1687-88 to suppress piracy; from John Lynch, for whom Lynchburg, Va., was named, and from Charles Lynch of Virginia (a brother of John). Of these, the only one whose claims deserve serious consideration is Charles Lynch. For a fuller and more accurate account of him than can elsewhere be found, the reader is referred to an article on "The Real Judge Lynch," by T. W. Page, in the *Atlantic Monthly* for December, 1901 (lxxxviii. 731-743). Charles Lynch was born in 1736, he was a justice of the peace both before and after the outbreak of the Revolutionary war, in 1780 he illegally fined and imprisoned certain Tories, in 1782 an act passed the Virginia Assembly holding him and others indemnified for suits brought on account of such illegal acts (*Va. Statutes*, xi. 134-5), and he died in 1796. Unfortunately, Professor Page assumes but does not prove the connection between Charles Lynch and lynch law. Other derivations of the term have been suggested. Meanwhile, what are the facts in regard to the history of lynch law? The following extracts briefly indicate this history from the earliest known appearance of the term down to 1850:

"In the year 1792, there were many suits on the south side of James river, for inflicting Lynch's law." 1817, Judge S. Roane, in W. Wirt's *Life of P. Henry* (1818), p. 372. In a note (but whether written by Roane or by Wirt is uncertain) we read: "Thirty-nine lashes, inflicted without trial or law, on mere suspicion of guilt, which could not be regularly proven. This lawless practice, which, sometimes by the order of a magistrate, sometimes without, prevailed extensively in the upper counties on James river, took its name from the gentleman who set the first example of it."

"Two years ago, a young Yankee, of the name of Williams, became the object of a malicious prosecution here, on suspicion of robbing a store. Circumstantial evidence of the worst kind only could be adduced, and he was, as is common in this country, acquitted. The people of the place, however, prejudiced against him, as a Yankee, deputed four persons to inform him, that unless he quitted the town and state immediately, he should receive Lynch's law, that is, a whipping in the woods. He departed, with his wife and child, next day, on foot; but in the woods, four miles from Princeton [Indiana], they were overtaken by two men, armed with guns, dogs, and a whip, who said they came to whip him, unless he would confess and discover to them the stolen money, so that they might have it. He vainly expostulated with them; but, in consideration of his wife's entreaties and cries, they remitted his sentence to thirteen lashes. . . . This poor fellow was of respectable parents at Berlin, in the state of New York. . . . He quitted the state, and returning, soon after, to prosecute his executioners, died at Evansville, before he had effected so desirable an object." 1819, Nov. 29. W. Faux, *Memorable Days in America* (1823), pp. 304, 305. On Dec. 27 Faux met the widow of Williams (p. 326).

"Among the early settlers there was a way of trying causes, which may perhaps be new to you. No commentator has taken any notice of *Linch's Law*, which was once the *lex loci* of the frontiers. Its operation was as follows: when a horse thief, a counterfeiter, or any other desperate vagabond, infested a neighbourhood, evading justice by cunning, or by a strong arm, or by the number of his confederates, the citizens formed themselves into a '*regulating company*,' a kind of holy brotherhood, whose duty was to purge the community of its unruly members. Mounted, armed, and commanded by a leader, they proceeded to arrest such notorious offenders as were deemed fit subjects of exemplary justice; their operations were generally carried on in the night. Squire Birch, who was personated by one of the party, established his tribunal under a tree in the woods, and the culprit was brought before him, tried, and generally convicted; he was then tied to a tree, lashed without mercy, and ordered to leave the country within a given time, under pain of a second visitation. . . . Whenever a county became strong enough to enforce the laws, these high-handed doings ceased to be tolerated." 1828, Judge J. Hall, *Letters from the West*, pp. 291, 292.

"'Lynch's law.' We have heard, that capt. *Slick* summoned his corps the other night, and obtained possession of a man with whose misdeeds they had become familiar, carried him to the prairie near town, and administered 'Lynch's law' upon him in fine style. He received about fifty lashes—and was ordered to decamp. The offence consisted in cheating at the gambling table." 1833, Oct. 5, *Niles' Register*, xlv. 87. This was at St. Louis.

"He was, therefore, for tying the young Indian to a tree and giving him a sound lashing; and was quite surprised at the burst of indignation which this novel mode of requiting a service drew from us. Such, however, is too often the administration of law on the frontier, 'Lynch's law,' as it is technically termed, in which the plaintiff is apt to be witness, jury, judge, and executioner, and the defendant to be convicted and punished on mere presumption." 1835, W. Irving, *Tour on the Prairies*, pp. 41, 42.

"In Natchez, negro criminals only are thus honoured—a 'coat of tar and feathers' being applied to those white men who may require some sort of discipline not provided by the courts of justice. This last summary process of popular justice, or more properly excitement, termed 'Lynch's law,' I believe from its originator, is too much in vogue in this state." 1835, J. H. Ingraham, *The South-West*, ii. 185, 186.

"Warwick, the murderer of Mr. Fisk, . . . was tried this week at Fayette [Miss.]. On account of some technicalities of the law failing to be observed, the prisoner was discharged. He had no sooner, however, emerged from the court house, than he was stripped of his clothing, and a plentiful coat of *tar* and *feathers* applied to him. He was afterwards whipped until almost insensible to pain; and to restore his feeling senses, we understand, a large quantity of spirits of turpentine was poured upon him. . . . It is said that during the execution of judge Lynch's sentence, the culprit frequently begged to be shot, but was told that such a death was too easy for him." 1835, Aug. 8, *Niles' Register*, xlviii. 397.

"We mentioned above that P. C. Damewood had been discharged; but no sooner was he out of the view of the court, than apprehending judge Lynch's law, he put out in a hurry. He was pursued and caught, and received a very decent flagellation. . . . There was some defect in the indictment, which the high court of errors and appeals was compelled to regard, but which the advocates of judge Lynch's court thought proper to rectify, and Mr. Damewood's back bears evident marks of the supremacy of Lynch's law." 1835, Aug. 22, *ibid.*, xlviii. 436.

"I suppose you have heard of the presentation of a stout gallows to me, at 23 Brighton Street, Boston, by order of Judge Lynch. It was destroyed by the city authorities. . . . The slave States continue to be excessively agitated. They appear to have organized Vigilance Committees and Lynch Clubs in various places." 1835, Sept. 17, W. L. Garrison, in *Life* (1885), i. 519. Garrison refers to the erection before his house of a gallows on the night of Sept. 10, bearing "on the cross bar . . . an inscription, *Judge Lynch's Law.*"—(*Boston Advertiser*, Sept. 12, p. 2/4.)

"Our village [Kanawha Salines, W. Va.] was thrown into considerable commotion on Friday morning last in consequence of the arrival of judge Lynch among us. His business was soon ascertained, and by his authority four white men from Ohio, . . . were soon arrested and tried before 12 intelligent persons of our county, for endeavoring to persuade several slaves to leave their masters, for some free State. . . . These congenial spirits of Garrison, Tappan & Co. were arrested in the neighborhood of our village, tried, condemned, and received the sentence pronounced on them by the jury. That is to say, Joe Gill and the elder Drake to receive nine and thirty lashes each, and leave the county in 24 hours; the younger Drake, with Ross, to be discharged for want of evidence, but with a promise from them that they would also quit the county in 24 hours. The evidence . . . produced an unanimous verdict on the part of the jury, that two should be *Lynched* and the other two excused, provided they would leave this part of the country." 1835, Oct. 3, *Niles' Register*, xlix. 76, 77.

"*A tale of terror!* We learn from St. Louis that . . . the negro was then secured and committed to prison, but . . . he was delivered to the mob, who conveyed him to the outskirts of the city, placed a chain round his neck and a rope round his body, and fastened him to a tree a few feet from the ground, when they then placed fire round the tree and literally roasted him alive!" 1836, June 4, *ibid.*, l. 234.

This was the famous case, date of April 28, which the Rev. E. P. Lovejoy censured in his *Observer*, along with Judge Lawless's removing it from the grand jury on the ground that the law could take no cognizance of the acts of a frenzied multitude. In consequence, Lovejoy was forced to remove his paper to Alton, Ill., but not before the St. Louis mob gutted his printing-office. His subsequent mobbing to death in Alton is well known.

"On this night it appears that some personal friend of Mr. Brux, who had been killed by Giquel, in company with several other individuals, feeling exasperated at the release of Giquel, and the judge who had been the author of it, proceeded to the residence of judge BERMUDEZ, with a view *to Lynch him*, or to inflict *some severe punishment upon his person.*" 1835, Oct. 1, *ibid.*, li. 69.

"We have been informed that the slave *William*, who murdered his master . . . was taken by a party, a few days since, from the sheriff of Hot Spring [Ark.], and burned alive! yes, tied up to the limb of a tree, a fire built under him, and consumed in slow and lingering torture!" 1836, Dec. 31, *ibid.*, li. 275.

"At the same hour when the customary sins of the slave-market were being perpetrated, hundreds of the little people of Charleston were preparing for their childish pleasures, . . . ministers of the gospel were agreeing to deprive persons of colour of all religious education: a distant Lynch mob was outraging the person of a free and innocent citizen." 1838, H. Martineau, *Retrospect of Western Travel*, ii. 87.

"The Lynch law of the present day, as practised in the States of the West and South, may be divided into two different heads: the first is, the administration of it in cases in which the laws of the States are considered by the majority as not having awarded a punishment adequate, in their opinion, to the offence committed; and the other, when from excitement the majority will not wait for the law to act, but inflict the punishment with their own hands." 1839, F. Marryat, *Diary in America*, iii. 232, 233.

"Forty years ago, the practice of wreaking private vengeance, or of inflicting summary and illegal punishment for crimes, actual or pretended, which has been glossed over by the name of *Lynch's Law*, was hardly known except in sparse, frontier settlements, beyond the reach of courts and legal proceedings." 1839, *Southern Lit. Messenger*, v. 218.

"*Lynchers punished—A good example.*—In Yazoo, Miss. some time ago, a Mr. Harris, for some real or supposed offence, was severely lynched by H. W. Dunn, C. W. Bain, and others. He prosecuted those two individuals for the outrage, and the case was tried at the late session of the circuit court of Yazoo county. The jury returned a verdict for the plaintiff of $20,000." 1839, June 15, *Niles' Register*, lvi. 256.

"LYNCHING. A singular act of lynching was perpetrated recently at the Oberlin theological institute, of Ohio. Some of the members . . . secured the man's person, gagged and blindfolded him, and then inflicted 25 lashes on his bare back with a cowhide. They then directed him to leave